IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

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WRIT PETITION NO : 19242 of 1995

Between:

Katamsetti Rajkumar, S/o. Satyanarayana.
R/o. Kakinada, East Godavari. **..... PETITIONER**

AND

1.Timmapuram Gram Panchayat,

Rep. Executive Officer, Thimmapuram,

Kakinada, East Godavari.
2.State of A.P., Rep. by the District Collector.
Kakinada, East Godavari. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly a writ in the nature of Mandamus under Art. 226 of the Constitution of India declaring the acts of the respondents in trying to lay on road across the land of the petitioner of an extent of 0.30 cents S.No. 193/5 Timmapuram Village, Kakinada Rural Mandal, East Godavari District, as arbitrary, illegal and void and consequently direct the respondents not to lay any road across the aforesaid land of the petitioner and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

(Prayer is amended as per Court order dt. 7-9-1995 in WPMP No.24888/95)

Counsel for the Petitioner: MR.M.S.R.SUBRAHMANYAM

Counsel for the Respondent No.1: MR.N.SIVA REDDY

Counsel for the Respondent NO.2: The GP for Revenue.

The Court made the following :

ORDER:

The only grievance of the petitioner is that the respondents were trying to lay a road across the land of the petitioner to an extent of 0-30 cents in S.No.193/5 of Timmapuram village, Kakinada, without acquiring it. This Court has granted interim direction on 25-8-1995 for a period of six weeks. As according to the petitioner even as on today, road has not been laid and land has not been taken possession of.

Counter is not filed.

In these circumstances, I dispose of the writ petition directing the respondents that in case they need the land belonging to the petitioner for public purpose, they may do so, after acquiring it in accordance with law. No costs.

5th August, 2004

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To:

1.The Executive Officer,

Timmapuram Gram Panchayat,

Thimmapuram, Kakinada, East Godavari.
2.The District Collector.

State of A.P., Kakinada, East Godavari.

3.Two CCs to the G.P. for Revenue,

High Court Buildings, High Court of A.P., Hyderabad (O.U.T.)

4.Two CD copies.